

**CITY OF LAKE STEVENS  
Lake Stevens, Washington**

**ORDINANCE NO. 908**

**AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON REGULATING THE LICENSING, PRODUCTION, PROCESSING AND SALE OF MARIJUANA AND MARIJUANA PRODUCTS; AMENDING SECTION 4.04.030 "LICENSE REQUIRED" TO ADD SUBSECTION 4.04.030(g); AMENDING SUBSECTION 4.04.070(c) TO "PROCEDURE FOR ISSUANCE OF LICENSE"; AMENDING SECTION 4.04.150(a) "SUSPENSION OR REVOCATION OF LICENSE – GROUNDS"; AMENDING SECTION 14.08.010 "DEFINITIONS OF BASIC TERMS"; AMENDING SUBSECTION 14.16C.070(e) TO "HOME OCCUPATIONS"; AMENDING SECTION 14.38.020 "ZONING DISTRICTS"; AMENDING TABLE 14.40-I REFERENCED IN SECTION 14.40.010 "TABLE OF PERMISSIBLE USES"; ADDING SECTION 14.44.097 "STATE-LICENSED MARIJUANA FACILITIES"; AND AMENDING SECTION 14.76.090 "ADDITIONAL SCREENING REQUIREMENTS"; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, Initiative Measure No. 502 (I-502), decriminalizes, for purposes of state law, the production, manufacture, processing, packaging, delivery, distribution, sale or possession of marijuana, as long as such activities are in compliance with I-502; and

**WHEREAS**, the Washington State Liquor Control Board adopted rules to implement the provisions of I-502 as Chapter 314-55 of the Washington Administrative Code; and

**WHEREAS**, the City Council deems it to be in the public interest to establish zoning regulations related to state-licensed marijuana facilities and to require all such facilities to obtain a City business license; and

**WHEREAS**, the City prepared a State Environmental Policy Act (SEPA) checklist, dated December 30, 2013 and issued a Determination of Non-Significance for the proposed code amendments on January 2, 2014 and published notice of the same, in accordance with City of Lake Stevens procedures and regulations; and

**WHEREAS**, in taking the actions set forth in this ordinance, the City has complied with the requirements of the State Environmental Policy Act, Chapter 43.21C RCW; and

**WHEREAS**, pursuant to RCW 36.70A.106, the City submitted a Notice of Proposed Amendment and Request for Expedited Review to the Washington State Department of Commerce on January 02, 2014 for review; and

**WHEREAS**, the Washington State Department of Commerce granted expedited review on January 21, 2014; and

**WHEREAS**, the City published public hearing notices for the City Council and Planning Commission, related to proposed code amendments to allow state-licensed marijuana facilities, in accordance with City of Lake Stevens procedures and regulations; and

**WHEREAS**, the Lake Stevens Planning Commission conducted a public hearing on January 15, 2014 to consider the proposed code amendments and recommended approval of the same; and

**WHEREAS**, the Lake Stevens City Council has reviewed the Planning Commission's findings, conclusion, and recommendations; and

**WHEREAS**, the Lake Stevens City Council conducted public hearings on January 27, 2014 and February 10, 2014 to consider the proposed code amendments.

**WHEREAS**, the City Council adopts the foregoing as its findings of facts justifying the adoption of this ordinance;

**NOW, THEREFORE**, THE CITY COUNCIL OF THE CITY OF LAKE STEVENS DO ORDAIN AS FOLLOWS:

**Section 1. LSMC 4.04.030(g) – Added.** LSMC 4.04.030 is hereby amended to add subsection (g) to read as follows (all other provisions of 4.04.030 remain unchanged and in effect):

**4.04.030 License Required.**

(g) Marijuana producers, processors and retail facilities are subject to licensing, fees and building permit requirements.

**Section 2. LSMC 4.04.070(c) – Amended.** LSMC 4.04.040(c) is hereby amended to read as follows (all other provisions of 4.04.070 remain unchanged and in effect):

**4.04.070 Procedure for Issuance of License.**

- (c) An application for a business license shall be denied if:
- (1) It contains a material omission of fact, misrepresentation or fraud;
  - (2) The applicant has been convicted of a felony and if the time elapsed since the felony is less than 10 years and the felony for which the applicant was convicted directly relates to the specific business for which the license is sought. Applicants who have a current state license to operate a marijuana facility and who have applied for a business license to operate a marijuana business are subject to Washington State Liquor Control Board Rules regarding felony convictions;
  - (3) The premises on or in which the business will be operated violates a building, zoning, fire or any other applicable law of the City;
  - (4) The applicant has not received or has been denied a land use permit to operate the proposed business at the address proposed;
  - (5) The business for which the license is sought will result in a danger to the public health, safety or welfare, or the violation of any Federal (except for current state-licensed recreational marijuana producers, processors or retailers), State or local law, ordinance or regulations; or
  - (6) The applicant has had a similar license revoked by the City within a period of one year prior to the date of making application for a license hereunder; provided, that any applicant denied a license under the provisions of this chapter may reapply if and when the reasons for denial no longer exist.

**Section 3. LSMC 4.04.150(a) – Amended.** LSMC 4.04.150(a) is hereby amended to read as follows (all other provisions of 4.04.150 remain unchanged and in effect):

**4.04.150 Suspension or Revocation of License - Grounds.**

- (a) Depending upon the severity of any public health and safety problem presented by a violation of this chapter and based upon the recommendation of the appropriate department head, the City Clerk may suspend, deny or revoke any business license when the licensee, licensee's officers, employees or agents does any of the following:
- (1) Knowingly causes, aids, abets or conspires with another to cause any person to violate any of the laws of this State, or the City which may affect or relate to the licensee's business;
  - (2) Has obtained a license or permit by fraud, misrepresentation, concealment or through inadvertence or mistake;
  - (3) Has been convicted of a felony and if the time elapsed since the felony is less than 10 years and the felony for which the licensee was convicted directly relates to the specific business for which the license was sought, except for business licenses issued to operators of a marijuana facility who have a current state license to operate a marijuana facility, which are subject to the Washington State Liquor Board rules for ;
  - (4) Violates Lake Stevens Municipal Code Title 14, Land Use Code;
  - (5) Engages in unfair or deceptive acts or practices in the conduct of the business, operated the business in such a manner as to constitute breach of the peace, or menace to the health, safety or general welfare of the public; or
  - (6) Fails to renew a business license within 90 days after the expiration date of the license.

**Section 4. LSMC 14.08.010 – Amended.** LSMC 14.08.010 entitled "Definitions of Basic Terms" is hereby amended to revise the following existing definitions and add new definitions as follows (all other provisions/definitions of 14.08.010 remain unchanged and in effect):

**14.08.010 Definitions of Basic Terms.**

*Child Care Center* (Definition related to recreational marijuana facilities regulations only). An entity that regularly provides child day care and early learning services for a group of children for periods of less than twenty-four hours licensed by the Washington State Department of Early Learning under chapter 170-295 WAC. Child care centers include "Commercial Day Care Center" and "In-Home Day Care" entities.

*Day Care Center, Commercial.* Any child care arrangement that provides day care on a regular basis for more than 12 children of whom at least one is unrelated to the provider. See "Child Care Center" definition.

*Day Care, In-Home.* Any child care arrangement that provides day care on a regular basis for less than 12 children of whom at least one is unrelated to the provider. See "Child Care Center" definition.

*Elementary school* (Definition related to recreational marijuana facilities regulations only). A school for early education that provides the first four to eight years of basic education and recognized by the Washington State Superintendent of Public Instruction.

*Game Arcade* (Definition related to recreational marijuana facilities regulations only). An entertainment venue featuring primarily video games, simulators, and/or other amusement devices where persons under twenty-one years of age are not restricted.

*Library* (Definition related to recreational marijuana facilities regulations only). An organized collection of resources made accessible to the public for reference or borrowing supported with money derived from taxation.

*Marijuana Facility* (Definition related to recreational marijuana facilities regulations only). A state-licensed marijuana production, processing, or retail facility.

*Marijuana Processing Facility* (Definition related to recreational marijuana facilities regulations only). A person or entity licensed by the Washington State Liquor Control Board to process marijuana into useable marijuana and marijuana-infused products, package and label usable marijuana and marijuana-infused products for sale in retail outlets, and sell useable marijuana and marijuana-infused products at wholesale to marijuana retailers.

*Marijuana Production Facility* (Definition related to recreational marijuana facilities regulations only). A person or entity licensed by the Washington State Liquor Control Board to produce marijuana at wholesale to marijuana processor licensees and to other marijuana producers.

*Marijuana Retail Facility* (Definition related to recreational marijuana facilities regulations only). A person or entity licensed by the Washington State Liquor Control Board to sell only usable marijuana, marijuana-infused products and marijuana paraphernalia to persons twenty-one years of age and older in a retail outlet.

*Playground* (Definition related to recreational marijuana facilities regulations only). A public outdoor recreation area for children, usually equipped with swings, slides, and other playground equipment, owned and/or managed by a city, county, state, or federal government.

*Public Park* (Definition related to recreational marijuana facilities regulations only). An area of land for the enjoyment of the public, having facilities for rest and/or recreation, such as a baseball diamond or basketball court, owned and/or managed by a city, county, state, federal government, or metropolitan park district. Public park does not include trails.

*Public Transit Center* (Definition related to recreational marijuana facilities regulations only). A facility located outside of the public right-of-way that is owned and managed by a transit agency or city, county, state, or federal government for the express purpose of staging people and vehicles where several bus or other transit routes converge. They serve as efficient hubs to allow bus riders from various locations to assemble at a central point to take advantage of express trips or other route to route transfers.

*Recreation Center or Facility* (Definition related to recreational marijuana facilities regulations only). A supervised center that provides a broad range of activities and events intended primarily for use by persons under twenty-one years of age, owned and/or managed by a charitable nonprofit organization, city, county, state, or federal government.

*Secondary School* (Definition related to recreational marijuana facilities regulations only). A high and/or middle school: A school for students who have completed their primary education, usually attended by children in grades seven to twelve and recognized by the Washington State Superintendent of Public Instruction.

**Section 5. LSMC 14.16C.070(e) – Amended.** LSMC 14.16C.070(e) is hereby amended to read as follows (all other provisions/definitions of 14.16C.070 remain unchanged and in effect):

#### **14.16C.070 Home Occupations.**

- (e) Prohibited home occupations are enterprises which may create objectionable noise, fumes, odor, dust or electrical interference and may involve hazardous materials or on-site storage of petroleum products, and which are not compatible with residential development. The following is a nonexhaustive list of examples of such prohibited enterprises:
  - (1) Automobile, truck and heavy equipment repair;
  - (2) Autobody work or painting;
  - (3) Parking and storage of heavy equipment;
  - (4) Storage of building materials for use on other properties; ~~((or))~~
  - (5) Marijuana production, processing or retail facility; or
  - ~~(6)~~ Similar types of enterprises.

**Section 6. LSMC 14.38.020 – Amended.** LSMC 14.38.020 entitle “Zoning Districts” is hereby amended to read as follows:

#### **14.38.020 Zoning Districts.**

- (a) Business District (BD). The purpose of this district is to promote community and regional employment and accommodate land uses such as corporate offices, general offices, research and development, medical clinics, technology, and light manufacturing and assembly. Secondary uses include warehousing, storage and distribution associated with a principal use and small-scale retail and services that support the principal uses and objectives of the district. This district should be located in areas with direct access to highways and arterials in addition to transit facilities, adequate public services and traffic capacity.
  - (1) Principal Uses.
    - (i) Educational services (colleges and/or technical schools);
    - (ii) Finance and insurance;
    - (iii) Health care services;
    - (iv) Light manufacturing and assembly;
    - (v) Management of companies and enterprises;
    - (vi) Professional, scientific, and technical services; and
    - (vii) Transit-oriented development (including transit facilities/stops).
  - (2) Secondary Uses.
    - (i) Food services;
    - (ii) Information services;
    - (iii) Personal services;
    - (iv) Retail trade;
    - (v) Wholesale trade; and
    - (vi) Warehousing, storage and distribution.

(3) Special Regulations.

- (i) Secondary service uses and retail trade shall not exceed 5,000 gross square feet;
- (ii) Wholesale trade accessory to the principal use shall not exceed 15 percent of the gross floor area of individual structures;
- (iii) Warehousing, storage and distribution accessory to the principal use shall not exceed 25 percent of the gross floor area of individual structures;
- (iv) Places of worship over 10,000 gross square feet require a conditional use permit per Section [14.16C.045](#); and
- (v) Wireless and cellular communications facilities require an administrative conditional use permit per Section [14.16C.015](#); and
- (vi) Marijuana facilities are not allowed.

(b) Commercial District (CD). The purpose of this district is to accommodate the high-intensity retail needs of the community and regional market by attracting a mix of large to small format retail stores and restaurants to create a vibrant and unified regional shopping center. Transportation accessibility, exposure to highways and arterials with adequate public services and traffic capacity characterize this district.

(1) Principal Uses.

- (i) Accommodation services;
- (ii) Arts and entertainment;
- (iii) Food services;
- (iv) Retail trade; and
- (v) Transit-oriented development (including transit facilities/stops).

(2) Secondary Uses.

- (i) Amusement and recreation industries;
- (ii) Commercial parking structures/lots;
- (iii) Educational services (colleges and/or technical schools);
- (iv) Finance and insurance;
- (v) Health care services;
- (vi) Information services;
- (vii) Personal services;
- (viii) Professional, scientific, and technical services; and
- (ix) Public administration.

(3) Residential Uses.

- (i) Mixed use multi-family residential units including apartments, condominiums, and live/work units, where the majority of residential units are located above commercial uses.

- (4) Special Regulations.
  - (i) Health care, professional, scientific, and technical services require a conditional use permit per Section [14.16C.045](#) when the structure's footprint exceeds 10,000 gross square feet;
  - (ii) Places of worship over 10,000 gross square feet require a conditional use permit per Section [14.16C.045](#);
  - (iii) Wireless and cellular communications facilities require an administrative conditional use permit per Section [14.16C.015](#); ~~and~~;
  - (iv) Outdoor retail sales of building materials, garden equipment and supplies, and vehicles are permitted; and
  - (v) Marijuana retail facilities are permitted, subject to LSMC 14.44.097.
- (c) Main Street District (MS). The purpose of this district is to provide pedestrian-oriented commercial uses that serve the community and region by attracting a variety of small (up to 10,000 gross square feet) to mid-sized (approximately 30,000 gross square feet) businesses along with high-density residential uses in proximity to other retail and residential areas. Building design and pedestrian-oriented features would support an active and pleasant streetscape. This district should include enhanced sidewalks, public spaces and amenities for pedestrians and cyclists that emphasize pedestrian movement over vehicular movement.
  - (1) Principal Uses.
    - (i) Arts and entertainment;
    - (ii) Food services;
    - (iii) Small to mid-size retail trade; and
    - (iv) Transit facilities/stops.
  - (2) Secondary Uses.
    - (i) Amusement and recreation industries;
    - (ii) Commercial parking structures/lots;
    - (iii) Finance and insurance;
    - (iv) Health care services;
    - (v) Personal services;
    - (vi) Professional, scientific, and technical services; and
    - (vii) Public administration.
  - (3) Residential Uses.
    - (i) Mixed use multi-family residential units including apartments, condominiums, and live/work units, where the majority of residential units are located above commercial uses.
  - (4) Special Regulations.
    - (i) Automotive, boat, and recreational vehicle sales and services are not allowed.
    - (ii) Drive-through uses are not allowed between the building and right-of-way and are subject to screening requirements found in the applicable design guidelines.

- (iii) Theaters and performing arts venues are limited to a maximum size of 500 seats.
  - (iv) The footprint of small to mid-size retail trade uses, in any single-use structure, may not exceed 30,000 gross square feet.
  - (v) Health care, professional, scientific, or technical service structures' footprints may not exceed 5,000 gross square feet.
  - (vi) Wireless and cellular communications facilities require an administrative conditional use permit per Section [14.16C.015](#).
  - (vii) Marijuana facilities are not allowed.
- (d) Mixed Use Neighborhood (MUN). The purpose of this district is to accommodate higher density residential development in proximity to employment and retail centers and provide basic convenience goods and services in areas with available public services and adequate traffic capacities. This district would have a minimum density of 15 dwelling units per acre. This district would create a transition between higher and lower intensity land uses.
- (1) Principal Uses.
    - (i) Multi-family apartments and condominiums;
    - (ii) Townhomes and row houses; and
    - (iii) Residential over retail/office including live/work units.
  - (2) Secondary Uses.
    - (i) Neighborhood-oriented retail trade and personal services that meet the convenience shopping and services needs of the immediate and surrounding area.
  - (3) Special Regulations.
    - (i) Mixed use building configurations may include a vertical or horizontal stratification.
      - a. Retail and service uses located in attached mixed use buildings are limited to the ground level;
      - b. Sites with retail and service uses located in detached buildings are limited to a maximum floor area of 10,000 gross square feet;
      - c. Detached buildings with a footprint greater than 10,000 gross square feet require a conditional use permit per Section [14.16C.045](#);
      - d. Commercial uses should be oriented toward the primary frontage, with residential uses behind.
    - (ii) In the 20th Street SE Corridor, the district will allow innovative housing options per Chapter [14.46](#).
    - (iii) Automotive, boat, and recreational vehicle sales and services are not allowed.
    - (iv) Drive-through uses are not allowed between the building and right-of-way and are subject to screening requirements found in the applicable design guidelines.
    - (v) Wireless and cellular communications facilities require an administrative conditional use permit per Section [14.16C.015](#).
    - (vi) Marijuana facilities are not allowed.



- (e) Neighborhood Business (NB). The purpose of this district is to provide convenience goods, services, and opportunities for smaller scale shopping centers near neighborhoods that cater to pedestrians and commuters. This district should be located in areas with available public services, transportation accessibility to arterials and adequate traffic capacities.
- (1) Principal Uses.
    - (i) Arts and entertainment;
    - (ii) Food services;
    - (iii) Personal services;
    - (iv) Small retail trade; and
    - (v) Transit facilities/stops.
  - (2) Secondary Uses.
    - (i) Amusement and recreation industries;
    - (ii) Finance and insurance;
    - (iii) Professional, scientific, and technical services; and
    - (iv) Public administration.
  - (3) Special Regulations.
    - (i) Automotive, boat, and recreational vehicle sales are not allowed.
    - (ii) Drive-through uses are subject to screening requirements found in the applicable design guidelines.
    - (iii) The footprint of any single structure may not exceed 10,000 gross square feet.
    - (iv) Wireless and cellular communications facilities require an administrative conditional use permit per Section [14.16C.015](#).
    - (v) Marijuana facilities are not allowed.
- (f) Other Zones. The subareas may also contain the Urban Residential (UR), High Urban Residential (HUR), and Public/Semi-Public (P/SP) zoning districts, as described in Chapter [14.36](#) or as modified below.
- (1) High Urban Residential (HUR). Within the subareas, the purpose of the HUR district is to accommodate higher-density residential uses that may include multi-family condominiums, apartments, townhouses and row houses, as well as any small lot single-family residential units or innovative housing options per Chapter [14.46](#) in areas served by public water and sewer facilities, as well as the other uses described in Table 14.40-I of Chapter [14.40](#).
  - (2) Public/Semi-Public (P/SP). Within the subareas, the purpose of P/SP district is to accommodate public and semi-public uses, such as schools, government facilities, public utilities, community facilities, parks, etc., as well as the other uses described in Table 14.40-I of Chapter [14.40](#).

**Section 7. LSMC 14.40.010 Table 14.40-I – Amended.** Table 14.40-I referenced in LSMC 14.40.010 is hereby amended to add Use Descriptions 27.000, 27.100, 27.200 and 27.300 and

footnote 21 to read as follows (all other provisions of 14.40.010 and Table 14.40-I remain unchanged and in effect):

**14.40.010 Table of Permissible Uses.**

**TABLE 14.40-I: TABLE OF PERMISSIBLE USES BY ZONES<sup>16</sup>**

A blank box indicates a use is not allowed in a specific zone. Note: Reference numbers within matrix indicate special conditions apply.

P - Permitted Use; A - Administrative Conditional Use; C - Conditional Use (See Section [14.40.020](#) for explanation of combinations)

USE DESCRIPTIONS		SR	WR	UR	HUR	MFR	NC <sup>4</sup>	LB	CBD	MU <sup>1</sup>	PBD <sup>5</sup>	SRC	LI	GI	P/SP
27.000	STATE-LICENSED MARIJUANA FACILITIES <sup>21</sup>														
27.100	Marijuana Processing Facility – Indoor Only												P	P	
27.200	Marijuana Production Facility – Indoor Only												P	P	
27.300	Marijuana Retail Facility												P	P	

<sup>21</sup> Subject to Section [14.44.097](#) (State-Licensed Marijuana Facilities).

**Section 8. Chapter 14.44 LSMC – Amended.** Chapter 14.44 LSMC is hereby amended to add a new section LSMC 14.44.097 entitled “State-Licensed Marijuana Facilities” to read as follows:

**14.44.097 State-Licensed Marijuana Facilities.**

All state-licensed marijuana facilities shall meet the following development standards:

- (a) All facilities must be state-licensed and comply with all requirements of state law and the Washington State Liquor Control Board’s regulations for state-licensed marijuana facilities.
- (b) No marijuana facility shall be allowed as a home occupation.
- (c) The definitions set forth in RCW 69.50.101-.102, WAC 314-55-010 and LSMC 14.08.010 shall control.
- (d) Location.
  - (1) No more than one facility shall be located on a single parcel.
  - (2) No parcel containing a state-licensed marijuana facility shall be located within 1,000 feet of the perimeter of any other parcel containing a legally established, state-licensed

marijuana facility. For the purposes of administering the 1,000-foot separation between parcels with state-licensed marijuana facilities, state-licensed marijuana facilities shall be considered legally established in the order in which they are issued a city business license.

- (2) Marijuana retail and processing facilities shall be located fully within a permanent structure designed to comply with the city building code and constructed under a building/tenant improvement permit from the city regardless of the size or configuration of the structure.
- (3) Marijuana production shall be located within a fully enclosed secure indoor facility or greenhouse with rigid walls, a roof, and doors designed to comply with the city building code and constructed under a building/tenant improvement permit from the city regardless of the size or configuration of the structure.
- (4) Marijuana facilities shall not be located in mobile or temporary structures.
- (5) No state-licensed marijuana facility shall be located within 1,000 feet of the perimeter of a parcel, which has at least one of the land uses listed below:
  - (i) Elementary or secondary school (public or private);
  - (ii) Playground;
  - (iii) Recreation center or facility;
  - (iv) Child care center;
  - (v) Public park;
  - (vi) Public transit center;
  - (vii) Library;
  - (viii) Any game arcade, which allows admission to persons less than 21 years of age.
- (e) Size.
  - (1) State-licensed production and processing facilities will be limited in size to 10,000 total square feet or less including processing, storage, office and other incidental spaces; and
  - (2) State-licensed retail locations will be limited in size to 1,000 total square feet or less including sales, storage, office and other incidental spaces.
- (f) No production, processing or delivery of marijuana may be visible to the public nor may it be visible through windows.
- (g) All fertilizers, chemicals, gases and hazardous materials shall be handled in compliance with all applicable local, state and federal regulations. No fertilizers, chemicals, gases or hazardous materials shall be allowed to enter a sanitary sewer or stormwater sewer system nor be released into the atmosphere outside of the structure where the facility is located.
- (h) No odors shall be allowed to migrate beyond the interior portion of the structure where a marijuana facility is located.
- (i) A City of Lake Stevens business license pursuant to Chapter 4.04 LSMC and a state license pursuant to Chapter 314-55 WAC shall be obtained prior to the start of facility operations.
- (i) All facilities shall comply with Chapter 19.27 RCW, State Building Code Act and Chapter 14.80 LSMC Buildings and Construction. Appropriate permits shall be obtained for all changes of

use, tenant improvements, mechanical system improvements, electrical upgrades and similar work.

- (j) Each state-licensed retail facility may have one sign, limited to sixteen hundred square inches (11.11 square feet), identifying the retail outlet by the licensee's business name or trade name, affixed or hanging in the windows or on the outside of the premises visible to the general public from the public right of way, subject to issuance of a sign permit pursuant to Chapter 14.68 LSMC.

**Section 9. LSMC 14.76.090 – Amended.** LSMC 14.76.090 entitled “Additional Screening Requirements” is hereby amended to read as follows:

**14.76.090 Additional Screening Requirements.**

- (a) Due to the potential for adverse impacts between the following noncompatible uses, a 30-foot-wide landscaped screen shall be maintained between State Route 204, State Route 92 and/or State Route 9 and all residential and industrial uses.
- (b) Due to the potential for adverse impacts, Light Industrial and General Industrial zoned properties directly abutting the Centennial Trail shall provide a Type A screen, pursuant to 14.76.040(a)(1) in areas abutting the Centennial Trail.
- (c) The screen shall have a height of at least 30 feet at maturity. It is intended to exclude all visual and noise contact between uses in all seasons of the year. The use of existing significant trees which are not prone to windthrow within the screen is strongly encouraged.
- (d) The Planning Director may approve reduced buffer widths to prevent denial of all reasonable use of property.

**TABLE 14.76-I: SCREENING REQUIREMENTS**

Zone in Which Development Occurs	SR, WR, UR, HUR	MFR	PRD	NC	CBD, MU, LB	SRC, PBD	LI	GI	P/SP
Zone of Adjacent Property									
SR,WR,UR, HUR		B	B	C	B	A	A	A	B
MFR	-		-	C	B	A	A	A	B
PRD	-	-		C	-	A	A	A	B
NC	C	C	C		-	-	A	A	-
CBD, MU, LB	B	-	B	-		-	A	A	-
SRC, PBD	C	B	B	-	-		A	A	-
LI	C	C	C	-	-	-		B	-
GI	A	A	A	A	A	A	B		A
P/SP	B	B	C	-	-	-	A	A	

**Section 10.** Severability. If any section, clause, phrase, or term of this ordinance is held for any reason to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance, and the remaining portions shall be in full force and effect.

**Section 11.** Effective Date and Publication. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force five days after the date of publication.

PASSED by the City Council of the City of Lake Stevens this 10 day of February 2014.

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Vern Little, Mayor

ATTEST/AUTHENTICATION:

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City Clerk

APPROVED AS TO FORM:

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Grant K. Weed, City Attorney

First Reading: January 27, 2014

Second and Final Reading: February 10, 2014

Published:

Effective Date: February 22, 2014